EXHIBIT "1"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

WILLIAM SLOAN,	}	
Plaintiff,	}	
	}	**DOCKET NO.: 3:14-cv-406**
	}	**VARLAN/GUYTON**
v.	}	
	}	**JURY DEMAND REQUESTED**
TATE & LYLE INGREDIENTS AMERICAS LLC,	}	
Defendant.	}	

FIRST AMENDED COMPLAINT

COMES NOW the Plaintiff, William "Race" Sloan (hereinafter "Plaintiff" or "Mr. Sloan"), and for his First Amended Complaint against Tate & Lyle Ingredients Americas LLC (hereinafter "Tate & Lyle" or "Defendant") avers as follows:

PARTIES

1. Plaintiff, William "Race" Sloan, is a resident citizen of the State of Tennessee.
2. Defendant, Tate & Lyle Ingredients Americas LLC ("Tate & Lyle") is a Delaware for-profit limited liability company with its principal place of business in Decatur, IL. At all times material to this Complaint, Tate & Lyle was engaged in the bio product manufacturing industry and transacts or has transacted business in the State of Tennessee. Tate & Lyle is registered to conduct business in the State of Tennessee and its registered agent is CT Corporation System which may be served at 800

South Gay Street, Suite 2021, Knoxville, Tennessee 37929.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 in that this action is being brought in violation of the Family and Medical Leave Act of 1993 ("FMLA"), as amended, 29 U.S.C. § 2601, *et. seq.* and the Electronic Communications Privacy Act of 1986 ("ECPA"), 18 U.S.C. § 2701*, et seq.*
4. The Court further has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) in that the amount in controversy exceeds $75,000, exclusive of costs and interest, and the action is between citizens of different States.
5. The Court has supplemental jurisdiction over the remaining causes of action alleged in the Complaint pursuant to 28 U.S.C. § 1367 in that such claims are so related to the claim within such original jurisdiction of this Court that they form part of the same case or controversy.
6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred in Loudon County, Tennessee.

GENERAL ALLEGATIONS

7. At all times material to the allegations contained in the Complaint, Mr. Sloan was an alcohol field technician and waste treatment technician for Defendant.
8. Mr. Sloan began working for Defendant January 20, 2010.
9. Defendant a global provider of distinctive, high quality ingredients and solutions to the food, beverage and other industries. Defendant produces various bioproducts, including ethanol at its Loudon, TN facility.

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10. As part of his job duties working for Defendant, as an alcohol field technician, Mr. Sloan maintained surveillance over equipment, maintained equipment, took laboratory samples, and worked with control room technicians.

11. As a waste treatment technician, Mr. Sloan operated the plant's self-sufficient renewable energy system.

12. At all relevant times, Mr. Sloan's team lead (supervisor) was David Renninger (hereinafter, "Renninger").

13. At all relevant times prior to 2014, Mr. Sloan's area supervisor was Ed Hammann (hereinafter, "Hammann"). At all relevant times in 2014, Mr. Sloan's area supervisor was Wayne Owsley (hereinafter, "Owsley").

14. Mr. Sloan took FMLA leave for his own serious health condition beginning in 2013.

15. During relevant times, Mr. Sloan was harassed and subjected to a hostile work environment by co-workers and/or supervisor(s), including without limitation, Renninger, Jesse Bryant (hereinafter, "Bryant"), David Audley White (hereinafter, "White"), and Andrew Poulson (hereinafter, "Poulson") based on his assertion of his FMLA rights, and/or his request for reasonable accommodation for his disability, and/or his disability, and/or his gender.

16. Mr. Sloan objected to the harassment and discriminatory conduct and reported the harassment and conduct to Defendant's management officials, including without limitation, Hammann; however, the harassment and hostile work environment continued unabated.

17. After being forced to return to work on or about January 10, 2014 after his

reasonable accommodation request for additional time away from work was denied, Mr. Sloan was harassed and subjected to a hostile work environment by co-workers and/or supervisor(s), including without limitation, Renninger, Bryant, White, and Poulson.

18. Mr. Sloan objected to the harassment and discriminatory conduct and reported the harassment and conduct to Defendant's management officials, including without limitation, Owsley; however, the harassment and hostile work environment continued unabated.

19. Renninger and co-workers were aware that Mr. Sloan had a disability and/or otherwise regarded him as having a disability and/or were aware Mr. Sloan had a record of a disability as a result of, without limitation, Mr. Sloan's Attention Deficit Hyperactivity Disorder ("ADHD"). Renninger and co-workers (including without limitation, Bryant, White, and Poulson), despite protests on the part of Mr. Sloan, harassed and ridiculed Mr. Sloan for taking Adderall to treat his ADHD. The harassment and ridicule reached such a level that Mr. Sloan ceased taking his medication as prescribed.

20. In 2013 and 2014, Mr. Sloan confided in co-workers and supervisor(s), including without limitation Renninger and Bryant, that he was having marital difficulties. Renninger and co-workers, including Bryant, White, and Poulson, responded by ridiculing Mr. Sloan and telling him they were aware his wife was having affairs with other men and showing him graphic pornography on his cellular phone despite his protests of this unwelcome behavior.

21. Upon information and belief, and in response to Mr. Sloan confiding in co-workers and/or supervisor(s) about his marital difficulties, including without limitation Renninger and Bryant, such employees and/or supervisor(s) placed graphic and obscene pornographic photographs and/or videos on Mr. Sloan's cellular telephone appearing to depict Mr. Sloan's wife and teenage daughter.

22. Upon information and belief, Renninger, Bryant, White, Poulson and/or other co-workers and/or supervisors "hacked" into Mr. Sloan's and Mrs. Sloan's cellular telephones or directed or consented to the "hacking" into of Mr. Sloan's and Mrs. Sloan's Sprint cellular telephone with the express or implied purpose of monitoring Mr. Sloan's and Mrs. Sloan's activities and placing obscene images and videos (often of Mr. Sloan's wife and/or teenage daughter) on Mr. Sloan's telephone.

23. Upon information and belief, while Mr. Sloan was on FMLA-protected leave, co-worker(s) and/or supervisor(s), including without limitation, Renninger, Bryant, White, and Poulson broke into Mr. Sloan's work locker and either stole or displaced Mr. Sloan's Oakley sunglasses, two pairs of boots, keys, tools, battery charger, work harness, and a personal note from Mr. Sloan's wife. Mr. Sloan's iPod was also taken from a workplace radio and was not found until weeks later.

24. Despite one of the harassers being his direct supervisor (Renninger), Mr. Sloan reported the harassment and hostile work environment to other supervisors and/or management officials, including without limitation Hammann and Owsley.

25. Despite Mr. Sloan's protests of the unwelcome harassment he was experiencing and the hostile work environment to which he was subjected, and despite placing

Defendant's management officials on notice of the harassment, such treatment continued unabated.

26. Shortly after Mr. Sloan returned to work in January 2014, he was called into a meeting with his supervisory team (Owsley and Renninger) and was told he was in "deep shit" for having been out on leave (or words to that effect) and that his workload would be exponentially increased and subject to much shorter time limitations than his job duties prior to taking FMLA-protected leave. Mr. Sloan avers that it would have been impossible for him to complete the assigned tasks in the mandated timeframe.

27. During the January meeting, Mr. Sloan was advised by Defendant's management officials he was not to miss any further time from work or he would be terminated.

28. Several weeks after the January meeting, on or about March 3, 2014, Defendant placed Mr. Sloan on a performance improvement plan ("PIP"). According to the terms of the PIP, Mr. Sloan was not permitted to be absent from work for the next six (6) months. The PIP was Mr. Sloan's "final warning" on the matter. Upon information and belief, Defendant's actions were motivated by discriminatory animus and/or in retaliation for Mr. Sloan taking FMLA-protected leave.

29. Due to the extreme mental anguish caused by the outrageous treatment by his co-workers and/or supervisor(s), including without limitation Renninger, Bryant, White and Poulson, including being subjected to pornographic photographs appearing to be his wife and teenage daughter engaged in obscene sexual acts, Mr. Sloan attempted suicide on or about March 7, 2014.

30. Mr. Sloan was admitted as an inpatient to Blount Memorial Hospital on or about March 7, 2014 after the suicide attempt and was placed on a 72 hour medical hold. He was discharged on or about March 10, 2014 against medical advice ("AMA").

31. On or about March 7, 2014, Mr. Sloan's wife, Melissa Sloan (hereinafter "Mrs. Sloan") telephoned Defendant's Human Resources Department and advised them Mr. Sloan had suffered a psychiatric breakdown and had attempted suicide as a result of his treatment at work and was unable to be released from the hospital and appear for his next scheduled shift.

32. Mr. Sloan has been medically unable to return to work since he was admitted to the hospital as an inpatient and remains under a physician's care. He suffers from, without limitation, Post Traumatic Stress Disorder ("PTSD"), anxiety, and depression and continues to have episodic vomiting due to the work-related psychological trauma and abuse which arose out of and occurred in the course of Mr. Sloan's employment with Defendant.

33. Mr. Sloan's employment with Defendant was terminated effective March 19, 2014 for the stated and pre-textual reason of job abandonment.

FIRST CLAIM FOR RELIEF

Retaliation and Retaliatory Discharge:
(*Family Medical Leave Act of 1993 ("FMLA"), 29 U.S.C. § 2601, et. seq.*)

34. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 33 inclusive.

35. Mr. Sloan is informed and believes, and on that basis alleges, that Defendant unlawfully retaliated against him for exercising or attempting to exercise his

entitlement to leave pursuant to the FMLA, 29 U.S.C. § 2615(a)(2) and 29 U.S.C. § 2614(a)(1), as Mr. Sloan was discharged and/or otherwise discriminated against by Defendant as a result of his exercising or attempting to exercise his entitlement to leave pursuant to the FMLA.

36. As a result of Defendant's unlawful retaliation against Mr. Sloan, he has sustained damages equal to the amount of lost wages, salary, employment benefits, and/or other denied or lost benefits by reason of Defendant's violation of the FMLA's leave entitlement provision, 29 U.S.C. § 2617(a)(1)(A)(i)(I). The costs also include attorney's fees that, as of the date of this complaint, exceed $20,000.00, 29 U.S.C. § 2617(a)(3).

37. As a result of Defendant's unlawful retaliation against Mr. Sloan, he is entitled to interest on damages incurred pursuant to 29 U.S.C. § 2617(a)(1)(A)(i)(I), calculated at the prevailing rate, 29 U.S.C. § 2617(a)(1)(A)(ii).

38. As a result of Defendant's unlawful retaliation against Mr. Sloan, he is entitled to an additional amount of liquidated damages equal to the sum prescribed by 29 U.S.C. § 2617(a)(1)(A)(i)(I), along with interest as prescribed by 29 U.S.C. § 2617(a)(1)(A)(ii).

39. As a result of Defendant's unlawful retaliation against Mr. Sloan, he is entitled to such equitable relief as may be appropriate, including employment, reinstatement, and promotion. 29 U.S.C. § 2617(a)(1)(B).

SECOND CLAIM FOR RELIEF

Tennessee Common Law Retaliation and Retaliatory Discharge

40. Mr. Sloan realleges and reincorporates by reference each and every allegation contained in paragraphs 1 through 39, inclusive.

41. Mr. Sloan's at-will employment with Defendant was terminated for an untrue and pretextual reason, namely job abandonment.

42. Mr. Sloan avers that a substantial factor in Defendant's decision to terminate his employment was due to his exercise of his rights pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), as amended, 29 U.S.C. § 2601, *et. seq.*

43. Defendant's actions in terminating Mr. Sloan's employment were retaliatory in nature and contrary to the common law of Tennessee as articulated by the Tennessee Supreme Court and/or public policy of the State of Tennessee.

44. As a direct and proximate result of the actions of Defendant in terminating Mr. Sloan's employment, Mr. Sloan has suffered damages as set forth more fully herein.

THIRD CLAIM FOR RELIEF

Retaliation and Retaliatory Discharge:
(*Tennessee Public Protection Act ("TPPA"), Tenn. Code Ann. § 50-1-304*)

45. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 44, inclusive.

46. At all relevant times, Mr. Sloan was an employee of Defendant.

47. Mr. Sloan refused to participate in or remain silent about Defendant's illegal activities and his termination, including without limitation, reporting illegal harassment to Defendant's management officials, including without limitation

Hammann and Owsley.

48. Mr. Sloan's employment with Defendant was terminated solely and as a direct and proximate result of Mr. Sloan's refusal to participate in or remain silent about Defendant's illegal activities and his termination.

49. Defendant's actions violate the Tennessee Public Protection Act, Tenn. Code Ann. § 50-1-304 ("TPPA").

50. As a direct and proximate result of Defendant's unlawful retaliation against Mr. Sloan, he is entitled to damages set forth more fully herein.

FOURTH CLAIM FOR RELIEF

Disability Discrimination:
(*Tennessee Disability Act ("TDA"), Tenn. Code Ann. § 8-50-103*)

51. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 50 inclusive.

52. Mr. Sloan is a qualified individual with a disability, has a record of a disability, and was regarded by Defendant as having a disability. He was, however, able to perform the essential functions of his job with a reasonable accommodation.

53. Defendant has violated Mr. Sloan's rights pursuant to the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 by engaging in discrimination in the firing and terms and conditions of his employment based solely on his physical and/or mental disability.

54. As a direct and proximate result of Defendant's unlawful discrimination against Mr. Sloan, he is entitled to damages set forth more fully herein.

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FIFTH CLAIM FOR RELIEF

Sexual Harassment and Hostile Work Environment:
(*Tennessee Human Rights Act ("THRA"), Tenn. Code Ann. § 4-21-401, et seq.*)

55. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 54 inclusive.
56. Mr. Sloan avers that he is a member of a legally-protected class in that he is male.
57. Mr. Sloan was the subject of unwelcome harassment.
58. The unwelcome harassment was based on sex.
59. The harassment was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment.
60. Defendant knew or should have known about the harassment and failed to act.
61. As a direct and proximate result of Defendant's unlawful sexual harassment of against Mr. Sloan and creation of a hostile work environment, Mr. Sloan is entitled to damages set forth more fully herein.

SIXTH CLAIM FOR RELIEF

Invasion of Privacy:
(*Electronic Communications Privacy Act of 1986 ("ECPA"), 18 U.S.C. § 2701, et seq.*)

62. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 61 inclusive.
63. At relevant times, Mr. Sloan maintained electronic communications stored on his cellular telephone.
64. Defendant's employees, including without limitation, Renninger, Bryant, White, and Poulson intentionally accessed without authorization Mr. Sloan's cellular

telephone and the electronic communications stored thereon.

65. Defendant is vicariously liable for the acts of its employees in intentionally and illegally accessing Mr. Sloan's electronic communications stored on his cellular telephone via the doctrine of *respondeat superior*.

66. As a direct and proximate result of Defendant's unlawful and intentional access of Mr. Sloan's electronic communications stored in his cellular telephone, Mr. Sloan is entitled to his actual damages set forth more fully herein.

67. Defendant's violations of the ECPA were willful or intentional. Mr. Sloan is, accordingly, entitled to punitive damages in an amount to be determined by a jury.

SEVENTH CLAIM FOR RELIEF

Invasion of Privacy:
(*Wiretapping and Electronic Surveillance Act of 1994 ("WESA"), Tenn. Code Ann. § 40-6-301, et seq.*)

68. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 67 inclusive.

69. At relevant times, Mr. Sloan maintained electronic communications stored on his cellular telephone.

70. Defendant's employees, including without limitation, Renninger, Bryant, White, and Poulson intentionally accessed without authorization Mr. Sloan's cellular telephone and the electronic communications stored thereon.

71. Defendant is vicariously liable for the acts of its employees in intentionally and illegally accessing Mr. Sloan's electronic communications stored on his cellular telephone via the doctrine of *respondeat superior*.

72. As a direct and proximate result of Defendant's unlawful and intentional access of Mr. Sloan's electronic communications stored in his cellular telephone, Mr. Sloan is entitled to his actual damages set forth more fully herein.

DAMAGES

73. Mr. Sloan realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 72 inclusive.

74. As a direct and proximate result of each and every one of the foregoing acts, conduct, and violations of the law alleged herein, Mr. Sloan has suffered damages in an amount and according to proof including, but without limitation, loss of employment, lost wages, loss of benefits, lost overtime compensation, lost interest on wage and benefits, liquidated damages, any actual monetary loss suffered by Mr. Sloan, inconvenience, embarrassment, humiliation, loss of lifetime earning capacity, and other incidental and consequential damages. Mr. Sloan seeks reinstatement, or in the alternative front pay.

75. Upon information and belief, Defendant's actions in violation of the common law of the State of Tennessee as alleged herein were intentional, malicious, and/or reckless, with a conscious disregard for Mr. Sloan's rights. Therefore, Mr. Sloan seeks an award of punitive damages under applicable law in an amount to be determined by a jury.

76. Mr. Sloan is further entitled to and seeks recovery of attorneys' fees and costs pursuant to the FMLA, TPPA, THRA, and ECPA.

77. Mr. Sloan further seeks an award of pre- and post-judgment interest as permitted

by law.

78. Mr. Sloan further seeks an award of additional funds to compensate him for the adverse tax consequences he will suffer due to Defendant's illegal acts in preventing him from receiving income and paying taxes on the same in a timely fashion.

79. Mr. Sloan further seeks an award of additional funds to compensate him for Defendant's portion of FICA funds which should have been paid on his behalf.

WHEREFORE, Mr. Sloan prays for Judgment against Defendant for all damages as determined by a jury and for any other such damages which this Court may deem further and necessary.

Respectfully submitted, this 15th day of September 2014.

Law Office of
JAMES W. FRIAUF

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Attorney for Plaintiff, William Sloan

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on the following counsel of record via electronic mail at tim.wolfe@mbtlaw.com this 15th day of September, 2014.

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/s/ James Friauf
James W. Friauf